IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

APPEAL FROM ORDER (ST) NO.18644 OF 2006.
WITH
CIVIL APPLICATION (ST) NO.18645 OF 2006.

Ashwini Arun Kadam ..Appellant.
vs.
Municipal Corp.of Gr.Mumbai. ..Respondent

WITH
APPEAL FROM ORDER (ST) NO. 18646 OF 2006.
WITH
CIVIL APPLICATION (ST) NO. 18647 OF 2006.

Rahija Nashar Jhari ..Appellant.
vs.
Municipal Corp. of Gr.Mumbai. ..Respondent.

Shri K.K. Tated for the appellant.
Mrs. Geeta Joglekar for the BMC.

CORAM : A.M. KHANWILKAR, J.
DATED : 14.8.2006.

P.C. :

. Heard Counsel for the parties.

2. Admit. Mrs. Joglekar waives service for the respondent. As short question is involved both the appeals are taken up forthwith by consent and the same are disposed of by this common judgment

3. It is fairly accepted by the Corporation that the facts and circumstances of the present appeals, are similar to the case decided by me on August 11, 2006 in Appeal from Order No. 597 of 2006. Applying the same reasons these appeals are disposed of by passing the following order:

4. Appeals are allowed. Impugned judgments and orders are set aside in respective matters and notice of motion filed by the appellant in the respective matter is restored to file of the trial Court to be heard and decided expeditiously by the end of October 2006. The parties shall appear before the trial Court on 29th August 2006 at 2.30 p.m. on which date the Court may pass suitable order as may be required to ensure that the restored notice of motion is decided within the specified time.

4. It is made clear that the trial Court shall decide the notice of motion on its own merits uninfluenced by the observations made in the impugned judgment. The trial Court shall hear subject notices of motion along with Notice of Motion No. 836 of 2006 which involves similar contentions.

5. Till subject notices of motion are finally decided the parties are directed to maintain status-quo with respect to suit property in the respective appeals.

6. Appeals as well as civil applications are disposed of accordingly.

(A.M. KHANWILKAR,J.)